

Docket Number
36856.1342

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsuyoshi TATSUKAWA et al. Application No.: 10/531,522 Confirmation No.: 9096 Filing or 371(c) Date: November 18, 2004 Title: LAMINATED CERAMIC ELECTRONIC COMPONENT AND METHOD FOR PRODUCING THE SAME	
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RENEWED PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE HOLDING OF
ABANDONMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision on Petition under 37 CFR 1.181 dated May 12, 2008, Applicant respectfully submits a renewed petition.

The above-identified application became abandoned allegedly for failure to file a timely and proper reply to the Notification of Missing Requirements mailed on October 3, 2005, which set a two-month period for reply. The abandonment date of this application is November 15, 2007.

Applicant hereby petitions the Commissioner to withdraw the holding of abandonment of this application because a timely and proper reply to the Notification of Missing Requirements was filed on October 28, 2005. The reply to the Notification of Missing Requirements was filed via facsimile transmission, as evidenced by the enclosed Facsimile Transmission Verification Report which indicates that 8 pages were successfully transmitted to Kayla L. Lewis Baltimore at 703-746-6703.

37 C.F.R. § 1.8(a) sets forth:

(a) Except in the situations enumerated in paragraph (a)(2) of this section or as otherwise expressly excluded in this chapter, correspondence required to be filed in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail;

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6 (d); or

(C) Transmitted via the Office electronic filing system in accordance with § 1.6(a)(4); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

Applicant respectfully submits that the enclosed copy of the fax cover letter constitutes the required Certification of Transmission because (1) the fax cover letter states the date of transmission of October 28, 2005, and (2) is signed by Joseph R. Keating (attorney of record) who had a reasonable basis to expect that the correspondence would be transmitted on or before the date of October 28, 2005. Accordingly, Applicant respectfully submits that the enclosed fax cover letter satisfies the requirements of 37 C.F.R. § 1.8(a).

As required by 37 CFR 1.8(b), Applicant encloses the following documents:

1. a copy of the Decision on Petition under 37 CFR 1.181 dated March 28, 2008;

2. a copy of the fax transmission (8 pages) dated October 28, 2005 which includes:

- a. a copy of the fax cover letter dated October 28, 2005;
- b. a copy of the Response to Notification of Missing Requirements under 35 U.S.C. 371;
- c. a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
- d. a copy of the Credit Card Payment form in the amount of \$130 to pay for the Notification of Missing Requirements fee; and
- e. a copy of the signed Declaration/Power of Attorney;

3. a Statement in Support of Submission under 37 CFR 1.181 signed by Ms. Michelle Rhodes who personally sent the above-identified fax transmission; and

4. a copy of the sending unit's report confirming transmission of the above-identified fax transmission. The report confirms that the above-identified fax transmission, including all 8 pages, was successfully transmitted to (703) 746-6703, to the attention of Ms. Kaya L. Lewis Baltimore.

Since this application was filed after June 8, 1995, a terminal disclaimer is not required.

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In view of the evidence provided above, Applicant respectfully requests that this renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment be granted.

Respectfully submitted,

Dated: July 9, 2008

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12 MAY 2008

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In re Application of
TATSUKAWA et al.

Application No. 10/531,522

PCT No.: PCT/JP04/17173

Int. Filing Date: 18 November 2004

Priority Date: 28 November 2003

Attorney Docket No.: 36856.1342

For: LAMINATED CERAMIC ELECTRONIC
COMPONENT AND METHOD FOR
PRODUCING THE SAME

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is issued in response to applicant's "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment" filed in the United States Patent and Trademark Office (PTO) on 07 April 2008. No petition fee is required.

BACKGROUND

On 18 November 2004, applicant filed international application no. PCT/JP04/17173 which claimed a priority date of 28 November 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 28 May 2006.

On 15 April 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the basic national fee; a translation of the international application; and a preliminary amendment.

On 03 October 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 15 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements mailed 03 October 2005.

On 21 November 2007, applicant filed a "Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment." In decision dated 28 March 2008, applicant's petition to withdraw the holding of abandonment was dismissed without prejudice.

On 07 April 2008, applicant filed "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment." The petition requests withdrawal of the holding of abandonment, stating that a response to the Notification Of Missing Requirements was timely filed via facsimile on 28 October 2005.

DISCUSSION

As stated in the previous "Decision on Petition," the application file does not contain the materials purportedly filed by facsimile on 28 October 2005. In order to confirm the 28 October 2005 filing of the materials accompanying the present petition, applicants must satisfy the requirements set forth in 37 CFR 1.8.

Applicant has resubmitted the "Response To Notification Of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" that references an attached declaration, contains a Credit Card Payment Form in the amount of the required surcharge but bears a "Certificate of Mailing" statement. However, no new evidence to establish that the "Certificate of Transmission" statement as required by 37 CFR 1.8(a) was been placed on the facsimile dated 28 October 2005 has been provided. Since, applicant did not include the appropriate "certification" statement, the petition papers cannot be considered under 37 CFR 1.8(b). In summary, petitioners have not provided the proper showing necessary to withdraw the holding of abandonment.

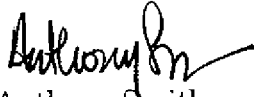
Petitioners may wish to consider filing a petition under 37 CFR 1.137(b) to revive the instant application. Any petition filed under 37 CFR 1.137(b) must meet the criteria indicated in 37 CFR 1.137. This suggestion to consider filing a petition under 37 CFR 1.137(b) should not be construed as an indication as to whether any such petition will be favorably considered.

CONCLUSION

Applicant's petition to withdraw the holding of abandonment is **DISMISSED** without prejudice.

If reconsideration of the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." No additional fee is required. Extensions of time under 37 CFR 1.136(a) are permitted.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read "Anthony Smith", with a stylized flourish at the end.

Anthony Smith
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